

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CRAIG CUNNINGHAM, on behalf of himself
and all others similarly situated,

Plaintiff,

-vs.-

**LOFT ASSOCIATES, LLC D/B/A CHEDDAR
EXPRESS**,

Defendant.

**JOINTLY PROPOSED
DISCOVERY PLAN AND
SCHEDULING ORDER**

Civil Action No. 2: 17 cv 2110
(ADS) (GRB)

R. GARY BROWN, Magistrate Judge:

DISCOVERY PLAN WORKSHEET

Phase I - Pre –Settlement Discovery

Deadline for completion of initial disclosures Required by Rule 26(a)	October 24, 2017
First request for production of documents, First request for interrogatories and Requests for Admission due:	November 17, 2017
Settlement Conference Between Counsel	December 11, 2017
Completion of Phase I Discovery	December 11, 2017

Phase II – Discovery and Motion Practice

Responses to First request for production of documents, First set of interrogatories and Requests for Admission due by:	January 12, 2018
Status Conference	February 23, 2018
Deadline for joinder of additional parties and amendment of pleadings:	March 31, 2018
Close of Fact Discovery:	June 2, 2018

Amended Motion for Class Certification:	July 2, 2018
Experts Reports (If Necessary):	July 16, 2018
Rebuttal Reports (If Necessary):	August 16, 2018
Expert Depositions completed by:	September 10, 2018
Close of Discovery:	September 17, 2018
Any Summary Judgment Motions:	November 16, 2018

Issues About Discovery and Preservation of Electronic Information

Class and merits discovery should proceed uniformly. Discovery shall not be bifurcated.

The parties shall be responsible for producing all electronically-stored information, which may include metadata, to the extent that it can be collected through reasonable means, relevant to any discovery demands in this case.

Each party and its respective officers, directors, employees and agents shall refrain from actively deleting any electronically stored information and suspend any routine deletion policies with respect to any electronic information that may bear in any way upon the issues in the litigation.

In response to any document discovery request, each party shall search for and produce any responsive electronically stored information in pdf form.

Should it be impossible or overly burdensome for any party to convert such electronically stored information into pdf form, the parties shall agree upon a procedure and medium for the retrieval and production of such information in electronic form.

The parties shall be allowed to depose trial witnesses that are named but have not already been deposed at the earliest possible date prior to trial. Such depositions shall not exceed eight hours.

Claims of Privilege and Protection of Trial Preparation Materials

The designation of documents responsive to a discovery demand as privileged may be disputed by either party. If the parties cannot resolve their dispute without Court intervention, the party seeking production of the privileged document may move before the Court for an order to compel the production of such document. If no such motion is filed, the document shall remain privileged

unless and until the Court rules otherwise.

Confidentiality

At this time, the parties do not see a need for a confidentiality agreement. However, if one becomes necessary, Defendant and Plaintiff will, in good faith, negotiate the terms of any Stipulation and Confidentiality Order deemed required by either party because of discovery in this case.

Dated: October 3, 2017

/s/ Aytan Y. Bellin
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Class
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